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HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/313,535	05/13/99	PARULSKI	K 73251/PRC

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LM02/0531

EXAMINER

HARRINGTON, A

ART UNIT	PAPER NUMBER
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2712

DATE MAILED:

05/31/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/313585

Applicant(s)

Parvulshe et al

Examiner

Harrington

Group Art Unit

5712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3.10.00
- ☒ This action is FINAL
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-15, 26-38 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-15, 26-38 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. Applicant's arguments with respect to claims 1-15 and 26-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims previously included the phrase "host processor" which was used to refer to the external computer. The word computer was added to independent claims, Thus the Examiner is unclear as whether there are two external computers or only 1. The phraseology needs to be consistent.

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3. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 depends from canceled claimed. Correction is required. The claim has not been considered in the rejection as it depends from a canceled claim.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 7, 9, 15, 29-31, 33-35, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (No. Hei -5-344460).

As for claim 1, Yamada discloses an electronic still camera connected to a reproduction unit comprising:

an image sensor(p.3; electronic still camera; see figure 1);

a converter stage (p. 23 section 21, lines 1-6));

a memory of storing plurality of classification of images (p. 23, lines 1-6).

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a processor having a capability of assigning the plurality of categories to the images captured by the image sensor, each category providing subject classification of one or more images (p. 7, lines 2-15);

control means (designation means; #8);

means for generating an output image signal comprising an image file both the digital image data corresponding to the images and separate category data selected by the control means (changing the classification code of an image by deleting a pre existing classification code; page 17, section 14 lines 1-20) wherein the category data is separately accessible for each image apart from the image data; and

means responsive to the computer initiated request for transferring the image files corresponding to at least one particular category of the plurality of categories (via CPU) to the reproduction unit. Since the reproduction unit is able to take a user specified categories /classifications and correlate with image data stored in the storage medium, it is a computer.

As for claim 5, the files are stored in a section of the memory as displayed by the track map display (see page 1).

As for claim 7, in another embodiment (see figure 10), the user may input classification codes by speaking (voice recognition) or key input(SEE PAGE 19 SECTION 17).

As for claim 9, see figure 7-8.

As for claim 15, speech input elements #29 and 30 in figure 10.

As for claim 29-30, see Examiners notes in claim 1.

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As for claim 31 and 33-34, the control means is a user control means.

As for claim 35 and 37, the reproduction unit selects the category according the user request.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 6, 8,10-14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. In view of Yoshida (US 5,515,101).

As for claim 2, Yamada discloses the categories are input by the user and then stored in the memory (can be externally generated by speaking or keying). However, Yamada fails to disclose an embodiment where default categories are stored in firmware of the memory. Yoshida discloses a camera system(see figure 9) for capturing images comprising a memory means (7) for storing a plurality of categories(titles: wedding, baby etc) providing classification of the images by subject; and a processor means (26) for having the capability of assigning the categories to the images captured by the image sensor, each category provide a subject classification of one or more images (col. 2, lines 59-67). Thus, the memory inherently incorporates firmware. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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include this feature as taught by Yoshida which helps ease the user in deriving names for images and adds an quick help/ default feature to the system .

As for claims 3, see Examiner notes in claim 2. In addition, Yamada discloses a LCD (#7) which is a status display which shows classification codes. Yoshida discloses a display for showing the default categories (see col. 4, lines 42-64) which are cycled through..

As for claim 4, see Examiners notes in claim 3 and 2. In addition, Yoshida discloses two control interfaces for cycling through titles and selecting titles (col. 4, lines 42-64).

As for claim 6, Yamada fails to discloses the images are displayed with titles/classifications overlaid on the images. However, Yoshida discloses the titles or special characters (from the internal system or externally generated- on the loadable memory) are overlaid on the image data (col. 5, lines 26 and col. 6, lines 54-62). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature as taught by Yoshida, as another way of confirming the classification/title of each particular image.

As for claim 8, see Examiners notes in claim 7. See col. 8, lines 60-65 of Yoshida.

As for claim 10-12, see Examiners notes in claim 6.

As for claim 13, see Examiners notes in claim 2.

As for claim 14, see Examiners notes in claim 13. In addition, Yoshida discloses the tiles are stored with attribute which is a date and time information from a internal clock. (Col. 3, lines 1-55).

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As for claim 26, see Examiner notes in claim 7. In addition, Yoshida discloses a memory is loadable , thus inherently signal port.

As for claim 27, see Examiner notes in claim 15. In addition, the external computer can write categories onto a card and transfer then to the camera off the card. See figures 8A and 10 of Yoshida.

6. Claims 28, 36,38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada.

Yamada discloses the camera and reproduction unit are separable. Thus it would have been obvious to one of ordinary skill in the art, that there must be a cable or wireless communication between two units.

7.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Harrington whose telephone number is (703) 308-9295. The examiner can normally be reached on Tuesday to Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308- 6296 (for informal or draft communication, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist)

AMH: *AMH*

May 17, 2000

W Garber
Wendy Garber
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